III. Claims 5, 6, 15 and 16, drawn to a method for decreasing NPY overproduction in an individual via an NPY antibody, classified in class 424130.1, subclass 130.1.

The Examiner noted that claims 1 and 2 link Groups I-III and stated that upon allowance of the linking claim(s), the restriction requirement between the linked groups will be withdrawn and any claims depending from or otherwise including all the limitations of the allowable linking claims will be entitled to examination in the instant application. The Examiner further noted that claim 7 is generic and stated that it will be examined in view of the limitations of the elected invention.

The Examiner asserted that inventions I, II, and III are all unrelated, stating that the different inventions are different methods that use different modes of action, such as inhibition of a nucleic acid via an antisense molecule (Group I), inhibition of protein function via the inhibition of its receptor (Group II) and inhibition of a protein function via antibody inhibition (Group III). The Examiner asserted that these methods all target different chemical compounds where the inhibitors of one group will not function in the other methods by the same mode, for example.

In response, Applicants elect with traverse Group II. Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement. Applicants maintain that, contrary to the Examiner's assertion, Groups I-III are not all unrelated. All three groups are directed to methods of decreasing NPY production in an individual by modulating an overactive NPY system in that individual. All groups include claims in which the overproduction of NPY is counteracted by administering an antagonist to the individual. All groups therefore present methods to achieve the same effect (inhibiting NPY production) by administration of a

substance which prevents or disrupts NPY protein expression by blocking its translation or ability to bind to its receptors. Accordingly, all claims should be examined together.

Moreover, applicants point out that under M.P.E.P. §803, the Examiner must examine the application on the merits, even though it includes claims to distinct inventions, if the search and examination of an application can be made without serious burden. There are two criteria for a proper requirement for restriction, namely (1) the inventions must be independent and distinct; AND (2) there must be a serious burden on the Examiner if restriction is not required.

Applicants maintain that there would not be a serious burden on the Examiner if restriction were not required. A search of prior art with regard to any one of the Groups will reveal whether any prior art exists as to the other two Groups, as all of the Groups are directed to methods of decreasing NPY production by administration to an individual of a substance which interferes with such production. Applicants therefore maintain that an examination and search of all of the claims of Groups I-III would pose no serious burden and respectfully request that the Examiner reconsider and withdraw the restriction requirement and examine claims 1-16 together.

Respectfully submitted,

By _____

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